

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

I & CAD (ARB) DEPT. – Arbitration - Disputes between Sri Allam Subba Rayudu and the Department in execution of the work relating to the “Construction of Aqueduct at KM 10.081 Right Main Canal of Priyadarshini Jurala Project, Gadwal Mandal, Mahabubnagar District under Agreement No.45/86-87, dated 20-03-1987 - Sanction of an amount of Rs. 11,77,000/- - Orders – Issued.

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IRRIGATION AND COMMAND AREA DEVELOPMENT (ARB) DEPARTMENT

G.O.Ms.No. 15

Dated:13.02.2009.

Read the following:-

1. From the Hon'ble A.P.High Court judgement in A.S. No.3757/2003, dated 30.06.07.
2. From Sri Allam Subba Rayudu Contractor, repn., dt.03.08.07.
3. G.O.Rt.No.103, I & CAD (Arb) Dept., dated 24-01-2008.
4. Govt.Memo.No.23589/ARB/07, dated 17-03-2008.
5. From the ENC (AW/IW), I & CAD Department, Hyd.,/Lr. No.ENC/IW/P &M/EE.I/DEE.8/200108/08-5, dated 04-06-2008.
6. From Sri Allam Subba Rayudu, Contractor, Declaration, Dt.26.06.08.

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ORDER:

Sri Allam Subba Rayudu, Contractor, in the reference second read above, based on the judgement of the Hon'ble High Court of Andhra Pradesh, Hyderabad in the A.S.No.3757/2003 filed by the Government of Andhra Pradesh against the judgement and decree dated 09-06-2003 in O.S.No.19 of 2000 dated 29-03-2007, has stated that the work relating to Construction of Aqueduct at Km.10.081 of Right Main Canal of Priyadarshini Jurala Project, Gadwal has been executed by him under Agt.No.45/86-87, dated 20.03.1987. During the execution of the work certain disputes have been arisen between parties to the agreement. As they remained unsettled he has, therefore, filed O.S.No.19/2000 on the file of Senior Civil Judge, Gadwal. The Senior Civil Judge, Gadwal, decreed the suit on 09.06.2003 for a sum of Rs.12,00,882/-. Subsequently, the Government has also filed A.S.No.3757/03 for granting stay on execution of decree. While granting the stay of execution, the Hon'ble High Court directed the Government to deposit Rs.6.00 lakhs and has permitted the Contractor to draw ½ of the deposited amount without security and the balance amount with security. He has further submitted that he could withdraw only ½ of the amount i.e. Rs.3.00 lakhs and the balance is in deposit to the credit of O.S.No.19/2000. He has further stated that as he became old and unable to prosecute and pursue the case, he has therefore requested the Government to settle the case as one time settlement as was done in the similar cases and as directed by the Hon'ble High Court Order dated 29.3.2007.

2. In the G.O. third read above, based on the orders of the Hon'ble High Court of Andhra Pradesh and as per the suggestion of the Learned Advocate-General of the State, orders have been issued to constitute three Committees for three Regions in the State for Conciliation with the party, in order to arrive at a conclusion of payments to be made to the contractors during the process of final conciliation by the Principal Secretary to Government, I&CAD Department.

P.T.O.

3. Based on the representation of the Contractor, the above case has been referred to the Committee for Telangana Region for conciliation with the Contractor, vide reference 4<sup>th</sup> read above.

4. The Engineer-in-Chief (AW/IW), I & CAD Department, Hyderabad in the reference fifth read above, has furnished the report of the Committee for Telangana Region, dated 21-05-2008. Based on the report of the Conciliation Committee, the Principal Secretary to Government, I & CAD (Arb) Department has conducted final re-conciliation meeting with the contractor on 26-6-2008 in his Chambers and the contractor reduced his claim and finally settled for an amount of Rs.11,77,000/-. The Contractor has submitted a Notary Affidavit to that effect.

5. Government, after careful examination hereby accord sanction for the balance amount of Rs.11,77,000/- (Rupees eleven lakhs and seventy seven thousand only) towards full and the final settlement to Sri Allam Subba Rayudu, contractor in respect of the work "Construction of Aqueduct at KM 10.081 Right Main Canal of Priyadarshini Jurala Project, Gadwal Mandal, Mahabubnagar District under Agreement No.45/86-87, dated 20-03-1987. The said amount shall be debited to the following Head of Account:

**"4701- Major irrigation – MH (122) – Jurala Project – SH(27) – Canal and Distributaries – 530 /531 O.E (Charged)".**

6. The Chief Engineer (Projects), Mahabubnagar, is directed to arrange to pay the amount of Rs.11,77,000/- (Rupees eleven lakhs and seventy seven thousand only) to Sri Allam Subbarayudu, Contractor, duly deducting the amount that are recoverable on whatsoever account.

7. This order issues with the concurrence of Finance (W&P) Department, vide their U.O.No.4785/F2( 2 )/08-1, dated 11-12-2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.P.TUCKER  
PRL.SECRETARY TO GOVERNMENT

To

The Chief Engineer (Projects), Mahabubnagar District.

The Superintendent Engineer, PJP Circle, Gadwal, Mahabubnagar District.

The Pay and Accounts Officer, Hyderabad.

The Deputy Pay and Accounts Officer, Secretariat, Hyderabad.

The Assistant Pay and Accounts Officer, Gadwal, Mahabubnagar District.

Sri Allam Subba Rayudu, Contractor, Yusufguda, Hyderabad – 500 045.

Copy to:

The I & CAD (P&B) Department.

The Accountant General, Andhra Pradesh, Hyderabad.

Finance (W&P) Department (with a request to release LOC for the sanctioned amount).

SF / SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER.